

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHANNA ATTERBERY,

Plaintiff,

v.

YUKON ZAK LLC, ET AL.,

Defendants.

Case No. 1:22-cv-01059-JLT-CDB

ORDER TO SHOW CAUSE WHY
SANCTIONS SHOULD NOT BE IMPOSED
FOR THE PLAINTIFF'S FAILURE TO
PROSECUTE THIS ACTION AND TO
COMPLY WITH THE COURT'S ORDERS;
ORDER CONTINUING THE MANDATORY
SCHEDULING CONFERENCE

THREE-DAY DEADLINE

Plaintiff filed a complaint in this action on August 19, 2022. (ECF No. 1.) On August 22, 2022, Plaintiff filed a "Notice of Errata" setting forth that the complaint inadvertently listed the incorrect venue, and that venue in fact was proper in the Eastern District of California. (ECF No. 3.) The following day, the Clerk of Court issued a summons and the Court entered an Order setting a mandatory scheduling conference. (ECF Nos. 4, 6.) The Order directed Plaintiff to "diligently pursue service of summons and complaint" and "promptly file proofs of service." The Order further advised Plaintiff that failure to diligently prosecute this action "may result in the imposition of sanctions, including the dismissal of unserved defendants." To date, Plaintiff has not filed proofs of service, and the defendants have not appeared in the action.

Local Rule 110 provides that "[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all

1 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to
2 control its docket and may, in the exercise of that power, impose sanctions where appropriate,
3 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.
4 2000).

5 Based on the foregoing, IT IS HEREBY ORDERED that within three (3) days of entry of
6 this order, the plaintiff SHALL show cause why sanctions should not be imposed for the failure
7 to prosecute this action and to serve the summons and complaint in a timely manner.
8 Alternatively, the plaintiff may file a proof of service demonstrating the summons and complaint
9 has been served.

10 IT IS FURTHER ORDERED that the scheduling conference previously set for December
11 8, 2022, is CONTINUED to January 11, 2023 at 10:00 a.m.

12 Plaintiff is advised that failure to respond to this Order to Show Cause may result in
13 dismissal of this action.

14 IT IS SO ORDERED.

15 Dated: November 7, 2022


UNITED STATES MAGISTRATE JUDGE